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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,286	02/19/2004	Timothy W. Perez	8266-1203	4292
25267	7590	07/27/2004		
BOSE MCKINNEY & EVANS LLP 135 N PENNSYLVANIA ST SUITE 2700 INDIANAPOLIS, IN 46204			EXAMINER TRETTEL, MICHAEL	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,286

Applicant(s)

PEREZ ET AL.

Examiner

Michael Trettel

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 11-14, 16, 21-24, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 5, 7-10, 15, 17-20 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1 to 4, 6, 11 to 14, 16, 21 to 24, 26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Savage et al (6,401,277). Savage et al shows a siderail extender 30 for use upon one pair of a set of four head and foot end siderails 24, 26 mounted to the supporting frame of an articulated hospital bed. The bed includes a pair of head siderails 24 mounted upon a set of conventional pivot links which allow the siderails to be placed in a raised or lowered position, and a complementary set of foot end siderails 26 mounted in a similar fashion upon pivot links adjacent to the foot section of the bed. As is shown in Figures 9 to 14 the siderails are mounted to the articulated deck of the bed, so as to move with the deck into its various positions. An extender 30 formed by a bridge 32 is pivotally attached to the foot end siderails 26 so as to cover the gap between the head and foot end siderails. The bridge 32 is attached to a coupler 34 that fills a void within the frame of the siderail 26, and pivots around an axis 66 defined by a pivot pin 58. The bridge is formed as an open bottomed U-shaped saddle that includes parallel side walls 60 and a top wall 62 which allows it to sit astride the siderail 26 and slip over the adjacent siderail 24. Note that the orientation of the bridge 32 can be reversed upon the siderails (column 3, lines 42 to 48). As the siderails move relative to one another the bridge pivots upon axis 66

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and slides relative to the siderails so as to continuously cover the gap between the siderails. A secondary embodiment is shown in Figures 27 to 30 which uses a sliding pivot defined by a slot 564 formed in the bridge that engages the pivot pin, this allows the bridge to translate by sliding and pivoting during movement. The bridge 32 is biased into a downward position by the force of gravity.

Allowable Subject Matter

Claims 5, 7 to 10, 15, 17 to 20, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cook shows a telescoping siderail extender that is of particular interest. Beitzel, Le Pallec et al, and Sanders show siderails that have telescoping frame members which are of general interest. Metz et al shows a siderail gap filler pivotally attached to a bedframe which is only general interest. Lemire shows a pair of siderails that have cooperating end surfaces that are of particular interest.

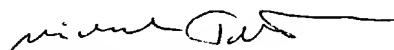
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The

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examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Michael Trettel
Primary Examiner
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